

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

(1) ROBERT CARTWRIGHT,)	
)	
PLAINTIFF,)	
vs.)	Case No. 17-CV-558-JHP-JFJ
)	
(1) IC BUS, LLC,)	
)	
DEFENDANT.)	

NOTICE OF REMOVAL

Defendant IC Bus, LLC, pursuant to 28 U.S.C. §§1331, 1441, and 1446, remove this action from the District Court of Tulsa County, Oklahoma (where it was filed as Case No. CJ-2017-3520) to the United States District Court for the Northern District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. On September 5, 2017, Plaintiff filed suit in the District Court of Tulsa County, State of Oklahoma, against Defendant. The case was assigned Case No. CJ-2017-3520.

2. The Petition ("State Court Action") was served on or about September 15, 2017, via certified mail. A true and correct copy of the State Court Action as received is attached as Ex. 1. The return of service was filed with the State Court. Ex. 2.

3. IC Bus, LLC has not yet filed an answer or responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim that may be available.

4. Removal of this action from the District Court of Tulsa County, State of Oklahoma, to this Court is, therefore, proper under 28 U.S.C. §1441(a) because this Court would have had original jurisdiction of the action under 28 U.S.C. §1331 had the action been initially filed in this Court. Plaintiff seeks relief under the following federal statutes: the Age

Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and the Americans with Disabilities Act, as amended, 42 U.S.C. § 12111 *et seq.*

5. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) because it is filed within thirty (30) days of Defendant's receipt of the State Court Action on or about September 15, 2017, and within one (1) year of the commencement of the action. *See* Ex. 1.

6. Written notice of filing of this Notice of Removal will be given to Plaintiff, by and through his counsel in the State Court Action. Also, as required by 28 U.S.C. §1446(d), a copy of this Notice will be filed with the Clerk of the District Court of Tulsa County, State of Oklahoma, the court in which the State Court Action was filed.

7. All papers served on Defendant in the State Court Action at the time of this removal, consisting of the Petition and Summons, are attached as Exhibits 1-2, pursuant to 28 U.S.C. §1446(a) and LCvR 81.2.

8. Pursuant to LCvR 81.2, a true and correct copy of the docket sheet in the State Court Action, current through the date of this filing, is attached as Exhibit 3.

9. No motions are currently pending in the State Court Action.

10. Defendant will file a Status Report on the Removed Action in accordance with LCvR 81.2.

WHEREFORE Defendant respectfully requests that the above-referenced action now pending in the District Court of Tulsa County, State of Oklahoma, be removed therefrom and proceed in this Court from this day forward as an action duly removed.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL &
ANDERSON, L.L.P.

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Daniel Smolen - danielsmolen@ssrok.com

Lauren Lambright- laurenlambright@ssrok.com

s/Kristen L. Brightmire

Kristen L. Brightmire